

CIVIL RIGHTS COMPLIANCE



CHAPTER 21

CIVIL RIGHTS COMPLIANCE

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CIVIL RIGHTS COMPLIANCE

This chapter discusses program policies regarding civil rights in the administration of the National School Lunch, School Breakfast, and Special Milk Programs. FNS Instruction 113-1 outlines each school's responsibility regarding civil rights compliance in the school food service programs. This unit outlines specific responsibilities, requirements, and procedures for federally-assisted programs to ensure federal, state, and local compliance with the provision of Title VI of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

Responsibilities of the Sponsor

- SFA'S are responsible for training "Frontline Staff" on an annual basis. See FNS Instruction 113-1 for current regulations.
- Follow procedures and maintain any information on Civil Rights complaints and resolutions.
- To maintain on file the racial/ethnic makeup of the children applying for and participating in the program.
- Make substitutions in the regular meal patterns for those children who are considered disabled under 7 CFR 15b and whose handicap restricts their diet in such a way that they cannot fully participate in the food service program without some modification. (See Chapter 18).
- Advise parents and guardians in the Parent Letter of the program requirements pertaining to children with disabilities.
- Include the following nondiscrimination clause on any printed material or communications:

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material must include the following statement in print no smaller than the text:

"USDA is an equal opportunity provider and employer."

- Inform parents or guardians of students as well as local minority and grassroots organizations of the availability of program benefits or services and the eligibility requirements. If you need to provide non-English speaking persons with program information and translated forms, go to the USDA website www.fns.usda.gov/cnd/frp/frp.process.htm
- Display the current nondiscrimination poster at each site in a prominent place where reimbursable meals are served.

Nondiscrimination/Confidentiality

There must not be any discrimination against children receiving free and reduced price meal benefits.

- The names of children must not be published, posted, or announced in any manner or used for any purpose other than determining and verifying eligibility for free and reduced-price meals.
- The children must not be required to work for their meals.
- The children must not be required to use a separate dining room, separate serving line, or separate serving time.
- There must not be any overt identification of any of the children by use of special tokens or tickets. The school district must use the collection procedure(s) established and approved as part of its free and reduced-price meal policy statement. When ordering meals for special functions (i.e., field trips, class parties, etc.), no method of overt identification can be used (students raising hands, forms sent home that identify eligibility, etc.).
- There must not be any discrimination on the basis of race, color, national origin, age, sex, or disability in the application approval process or in the selection of applications for verification.

Release of Eligibility Determination

- The information on applications should be kept confidential. However, the USDA has authorized school districts to release only student free and reduced-price school meal eligibility status for federal, state, and local education, health or other means-tested programs. No other information on the application may be released.
- Aggregate data on children eligible for these benefits was already allowed, but Section 108 of Public Law 103-448 authorized the disclosure of individual children's free and reduced-price school meal eligibility status for federal and state education programs. A waiver of confidentiality by the children's parents/guardians is not required.
- Programs already identified to receive this information are the National Assessment of Educational Progress and officials collecting data for Title I allocation and evaluation purposes.
- When a sponsor uses a multi-use application to establish eligibility for benefits other than a free or reduced-price meal, the benefits listed must be very specific. The benefits listed cannot be vague, such as "other school benefits."

Waiver of Confidentiality

USDA has ruled that a school district may provide the eligibility status of children to another agency or program when households waive their confidentiality. The school district must ensure that the household's waiver:

- clearly informs households of the waiver's purpose;
- identifies how the information will be used;
- identifies who will use the information; and
- is signed by a parent or guardian. (It is not the responsibility of the school district to verify the authenticity of the signature; only to determine that it is signed by a parent or a guardian).

The district is advised to develop written policies and guidelines before taking any action. Considerations should include:

- the district's definition of "agency;"
- the district's definition of "program;"
- the agency's or programs method to protect against misuse of the information;
- the name of the district employee who will administer this process;
- the documentation that will be maintained at the district level (at the very least, the district must maintain a copy of the waiver);
- whether or not the district should have a written agreement with the agency or program and the terms and conditions of that agreement; and
- for directly certified students the district must not indicate that a household is eligible for food stamps.

Data Collection

Collect and maintain racial/ethnic participation documentation.

- Methods include staff observation or voluntary self-identification by applicants on the free and reduced-price application forms.

Maintain all program information for three years plus the current year. Safeguards should be exercised to ensure the data is available only to authorized personnel.

- Data collection required for civil rights compliance report on CNP 2000 due October 15th on data collection as of October 1st.

Program Operations

Denied free and reduced-price applicants should not be disproportionately composed of minority groups.

Admission procedures should not restrict enrollment of minority persons.

Program operations should not discriminate against participants based on race, color, national origin, sex, age, or disability.

- Examples include seating arrangements, serving lines, services and facilities, assignment of eating period or selection of applications for verification

Public Notification

Display in a prominent place the current USDA poster containing the nondiscrimination statement and the federal procedure for filing a complaint.

- Posters may be obtained by contacting Idaho Department of Education, Child Nutrition Programs, P.O. Box 83720, Boise, ID 83720-0027 (208)332-6820.

Include the following nondiscrimination statement and complaint procedures on all printed school nutrition program informational materials:

- **“In accordance with Federal law and United States Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.**

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”

- Examples of printed program informational materials include free and reduced-price meal notification letters and public releases.

Provide information in the appropriate translation concerning the availability and nutritional benefits of the school nutrition program, as needed.

- This requirement can be met through the use of bilingual staff members, volunteers, and/or informational materials in appropriate languages.

Provide school nutrition program information to the parents and local minority and grass-roots organizations upon request.

- Examples include letters, brochures, and public releases.

Develop and implement a procedure to process civil rights complaints.

- A civil rights complaint procedure must be developed by the School Food Authority.
- All complaints, written or verbal, shall be accepted by the school district and forwarded to the Child Nutrition Programs Division, Idaho State Department of Education.

- In the event of a verbal complaint, the person receiving the allegation shall write up the complaint to include as much of the following information as possible:
 - Name, address, and telephone number or other means of contacting the complainant. (See page 21.8 for a complaint form).
 - The specific location and name of the entity delivering the program service or benefit.
 - The nature of the incident(s) or action(s) that lead the complaint to be filed.
 - The basis on which the complainant feels discrimination has occurred, i.e., race, color, national origin, sex, age or disability.
 - The names, titles and addresses of persons who may have knowledge of the discriminatory action.
 - The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.



“And Justice For All”



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Civil Rights Compliance

Sponsor Name	Participant Number	Federal ID(EIN)	Year

The United States Department of Agriculture regulations outline each institution's responsibility regarding Civil Rights compliance in their nutrition programs. The following checklist furnishes a quick overview of the requirements:

	YES	NO
1. Do all forms of communication and printed program materials include the following elements?		
a.) The required nondiscrimination statement? (as stated below)	<input type="checkbox"/>	<input type="checkbox"/>
b.) Where a complaint may be filed?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the current "...AND JUSTICE FOR ALL" poster displayed prominently in all service areas (sites and applicable administrative offices)?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does your institution provide materials and appropriate translations of written materials as needed, to all participants, potential participants, families and local minority and grassroots organizations about program benefits and services (press release, parent letters, Free & Reduced Applications, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are program records on file for 3 years plus current year?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does your civil rights complaint procedure include the following elements?		
a.) Does your institution have a written civil rights complaint procedure?	<input type="checkbox"/>	<input type="checkbox"/>
b.) Do staff members receive training on the civil rights complaint procedure?	<input type="checkbox"/>	<input type="checkbox"/>
c.) Do staff members understand the procedures for receiving and forwarding an alleged civil rights complaint?	<input type="checkbox"/>	<input type="checkbox"/>
d.) Is a civil rights complaint log maintained at all sites or a procedure in place to document complaints at a central location?	<input type="checkbox"/>	<input type="checkbox"/>
6. Has your institution received a written or verbal complaint in the previous year regarding race, color, national origin, sex, age, or disability?	<input type="checkbox"/>	<input type="checkbox"/>
a.) Was it forwarded to the State Agency within three days?	<input type="checkbox"/>	<input type="checkbox"/>

Using information from the Free and Reduced Applications, report ethnic and racial data for Actual Participation here:
If there are no participants of an ethnic or racial group, place a zero in the box.

ALL SITES COMBINED:

Ethnic Group	Total No. of Participants Approved for Free and Reduced Price Meals	No. Denied
Hispanic or Latino	<input type="text"/>	<input type="text"/>
Not Hispanic or Latino	<input type="text"/>	<input type="text"/>
Racial Group		
Black or African American	<input type="text"/>	<input type="text"/>
Asian	<input type="text"/>	<input type="text"/>
American Indian or Alaska Native	<input type="text"/>	<input type="text"/>
Native Hawaiian or Other Pacific Islander	<input type="text"/>	<input type="text"/>
White	<input type="text"/>	<input type="text"/>
Not marked on application	<input type="text"/>	<input type="text"/>
TOTAL CHILDREN	<input type="text"/>	<input type="text"/>

CURRENT CIVIL RIGHTS STATEMENT

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

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Created By:	Created Date:	Modified By:	Modified Date:
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DISCRIMINATION COMPLAINT FORM

1. Your name: _____
2. Your address: _____
3. Your telephone: _____
4. List other ways to contact you: _____
5. Name and address of person(s) or organizations you are filing a complaint against:

6. Tell what incidents happened that made you feel you had been discriminated against and the dates they occurred: _____

7. State on what basis you feel discrimination exists (race, color, national origin, sex, age, or disability):

8. List names, titles, and addresses of persons who may have knowledge of the actions given in #6 above:

Name:	Title:	Address:
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____

(All complaints, written or verbal, shall be accepted by the sponsor and forwarded to the Child Nutrition Programs Division, Idaho State Department of Education)